

UNITED STATES DISTRICT COURT

for the
Southern District of Illinois

MICHAEL, see

Case Number:

21-1119SPM

(Clerk's Office will provide)

Plaintiff(s)/Petitioner(s)

V.

☒ CIVIL RIGHTS COMPLAINT

pursuant to 42 U.S.C. §1983 (State Prisoner)

☐ CIVIL RIGHTS COMPLAINT

pursuant to 28 U.S.C. §1331 (Federal Prisoner)

☐ CIVIL COMPLAINT

pursuant to the Federal Tort Claims Act, 28 U.S.C.

§§1346, 2671-2680, or other law

TOTTEN

WEXFORD Health Sources

ILLINOIS DEPARTMENT OF CORRECTIONS

L. Livingston

Defendant(s)/Respondent(s)

I. JURISDICTION

Plaintiff:

A. Plaintiff's mailing address, register number, and present place of confinement.

Defendant #1:

B. Defendant TOTTEN is employed as

(a)

(Name of First Defendant)

LPn

Nurse

(b)

(Position/Title)

with 700

(c)

(Employer's Name and Address)

unknown Add Resse

At the time the claim(s) alleged this complaint arose, was Defendant #1 employed by the state, local, or federal government? ☒ Yes ☐ No

If your answer is YES, briefly explain: IDOC, and WEX FORD Health sources employees Defendant #1 which is State.

Defendant #2:

C. Defendant WEXFORD Health SOURCES is employed as

(Name of Second Defendant)

COMPANY OVER Medical AT LAWRENCE PRISON
(Position/Title)

with UNKNOWN ADDRESS - EMPLOYED BY
(Employer's Name and Address)

FDIC, AND GOVERNMENT

At the time the claim(s) alleged in this complaint arose, was Defendant #2 employed by the state, local, or federal government? ☒ Yes ☐ No

If your answer is YES, briefly explain: TO MY BELIEF FDA
IS STATE WHOM EMPLOYES WEXFORD
Health SOURCES.

Additional Defendant(s) (if any):

D. Using the outline set forth above, identify any additional Defendant(s).

Defendant ILLINOIS DEPARTMENT OF CORRECTIONS is employed as
(Name of Third Defendant)

COMPANY - entity over Defendant #3
(Position/Title)

With FEDERAL GOVERNMENT (STATE OF ILLINOIS)
(Employer's Name and Address)

UNKNOWN ADDRESSES

ADDITIONAL DEFENDANT(S) IF ANY:

E. Defendant L. Livingston is employed as
(NAME OF FOURTH DEFENDANT)

CORRECTIONAL COUNSELOR #2
(POSITION/TITLE)

WITH ILLINOIS DEPARTMENT OF CORRECTIONS
(EMPLOYER'S NAME AND ADDRESS)

UNKNOWN ADDRESSES

AT THE TIME THE CLAIM(S) ALLEGED IN THIS COMPLAINT
AROSE, WAS DEFENDANT #4 EMPLOYED BY THE
STATE, LOCAL, OR FEDERAL GOVERNMENT ☒ YES ☐ NO

IF YOU ANSWER YES, BRIEFLY EXPLAIN TO
MY UNDERSTANDING (FDOC) EMPLOYER
DEFENDANT #4 WHOM IS STATE/FEDERAL
GOVERNMENT FUNDED.

II. PREVIOUS LAWSUITS

A. Have you begun any other lawsuits in state or federal court while you were in prison or jail (during either your current or a previous time in prison or jail), e.g., civil actions brought under 42 U.S.C. § 1983 (state prisoner), 28 U.S.C. § 1331 (federal prisoner), 28 U.S.C. §§ 1346, 2671-2680, or other law? ☒ Yes ☐ No

B. If your answer to "A" is YES, describe each lawsuit in the space below. If there is more than one lawsuit, you must describe the additional lawsuits on another sheet of paper using the same outline. List ALL lawsuits in any jurisdiction and indicate the court where they were filed to the best of your ability, including those that resulted in the assessment of a "strike" under 28 U.S.C. § 1915(g) and/or those that were dismissed for being frivolous, malicious, or for failure to state a claim (see 28 U.S.C. § 1915A; 28 U.S.C. § 1915(e)(2); Federal Rule of Civil Procedure 12(b)(6)). FAILURE TO FULLY DISCLOSE YOUR LITIGATION HISTORY, INCLUDING "STRIKES," MAY RESULT IN SANCTIONS THAT INCLUDE DISMISSAL OF THIS ACTION.

1. Parties to previous lawsuits:
Plaintiff(s): Lee

V.

Defendant(s): COOK COUNTY SHERIFF

2. Court (if federal court, name of the district; if state court, name of the county): COOK COUNTY

3. Docket number: 1816-CV-6412

4. Name of Judge to whom case was assigned: UNKNOWN - NO LONGER HAVE DOCUMENTS

5. Type of case (for example: Was it a habeas corpus or civil rights action?): CIVIL RIGHTS

6. Disposition of case (for example: Was the case dismissed? Was it appealed? Is it still pending?): DISMISSED

7. Approximate date of filing lawsuit: *2016*
8. Approximate date of disposition: *2017*
9. Was the case dismissed as being frivolous, malicious, or for failure to state a claim upon which relief may be granted and/or did the court tell you that you received a "strike?" *NO*

III. GRIEVANCE PROCEDURE

- A. Is there a prisoner grievance procedure in the institution? ☒ Yes ☐ No
- B. Did you present the facts relating to your complaint in the prisoner grievance procedure? ☒ Yes ☐ No
- C. If your answer is YES,
1. What steps did you take? *I wrote multiple Requests AND grievance on the nurse named TOTTER*
 2. What was the result? *zero results. The counselor responded with a quote from Medical saying all staff are trained yearly on HIPAA and avoided focusing on my claims.*
- D. If your answer is NO, explain why not. *FOCUSING ON MY CLAIMS.*
- E. If there is no prisoner grievance procedure in the institution, did you complain to prison authorities? ☐ Yes ☐ No
- F. If your answer is YES,
1. What steps did you take?

11. Previous Lawsuits

1) Parties to Previous Lawsuits:

Plaintiff(s): Lee

↳

Defendant(s): Tom Dart, et al

2) Court (if Federal Court, Name of District; if State Court, Name of County: Cook County.

3) Docket Number: 1:19-cv-0352

4) Name of Judge to whom case was Assigned:
unknown - (I no longer have documents.)

5) Type of case (for example: was it a habeas corpus, or civil rights action?): Civil Rights action

6) Disposition of case (for example: was case dismissed? was it appealed? is it still pending? case dismissed, no appeal.

7) Approximate Date of Filing lawsuit: 2019

8) Approximate Date of Disposition: 2019

9) Was the case dismissed as being frivolous, malicious, or for failure to state a claim upon which relief may be granted and/or did the court tell you that you received a "strike"? No.

11) PREVIOUS LAWSUITS

1) PARTIES TO PREVIOUS LAWSUITS:

Plaintiff(s): Lee

✓

Defendant(s): Tom Dert

2) COURT (IF FEDERAL COURT, NAME OF DISTRICT; IF STATE COURT, NAME OF COUNTY: COOK COUNTY.

3) DOCKET NUMBER: 1:20-CV-04136

4) NAME OF JUDGE TO WHOM CASE WAS ASSIGNED: GARY FERNERMAN

5) TYPE OF CASE (FOR EXAMPLE: WAS IT A HABEAS CORPUS, OR CIVIL RIGHTS ACTION?) CIVIL RIGHTS ACTION.

6) DISPOSITION OF CASE (FOR EXAMPLE: WAS CASE DISMISSED? WAS IT APPEALED? IS IT STILL PENDING? CASE REACHED SETTLEMENT, CASE CLOSED.

7) APPROXIMATE DATE OF FILING LAWSUIT: 2020

8) APPROXIMATE DATE OF DISPOSITION: 2021

9) WAS THE CASE DISMISSED AS BCPNG FRIVOLOUS, MALICIOUS, OR FOR FAILURE TO STATE A CLAIM, UPON WHICH RELIEF MAY BE GRANTED AND/OR

DID THE COURT TELL YOU THAT YOU RECEIVED A "STRIKE?" NO

II.) PREVIOUS LAWSUITS

- 1) PARTIES TO PREVIOUS LAWSUITS:
PLAINTIFF(S): Lee
V.
DEFENDANTS ILLINOIS DEPARTMENT OF CORRECTIONS
- 2) COURT (IF FEDERAL COURT, NAME OF DISTRICT; IF STATE COURT, NAME OF COUNTY) COOK COUNTY.
- 3) DOCKET NUMBER: 21-cv-0228
- 4) NAME OF JUDGE TO WHOM CASE WAS ASSIGNED: GARY FEINERMAN.
- 5) TYPE OF CASE (FOR EXAMPLE) WAS IT A HABEAS CORPUS, OR CIVIL RIGHTS ACTION? CIVIL RIGHTS.
- 6) DISPOSITION OF CASE (FOR EXAMPLE): WAS THE CASE DISMISSED? WAS IT APPEALED? IS IT STILL PENDING? (CASE PENDING.)
- 7) APPROXIMATE DATE OF FILING LAWSUIT: 2021
- 8) APPROXIMATE DISPOSITION DATE OF SUIT: 2021
- 9) WAS CASE DISMISSED AS BEING FRIVOLOUS, MALICIOUS, OR FOR FAILURE TO STATE A CLAIM UPON WHICH RELIEF MAY BE GRANTED AND/OR DID THE COURT TELL YOU THAT YOU RECEIVED A "STRIKE?" NO.

II. PREVIOUS LAWSUITS

1) PARTIES TO PREVIOUS LAWSUITS:

Plaintiff(s): Lee

v.

Defendants STOVER

- 2) COURT (IF FEDERAL COURT, NAME OF DISTRICT, IF STATE COURT, NAME OF COUNTY): SOUTHERN DISTRICT
- 3) DOCKET NUMBER: 3:21-cv-00900-MJR
- 4) NAME OF JUDGE TO WHOM CASE WAS ASSIGNED: Judge Nancy J. Rosenstengel
- 5) TYPE OF CASE (FOR EXAMPLE) WAS IT A HABEAS CORPUS, OR CIVIL RIGHTS ACTION? CIVIL RIGHTS ACTION.
- 6) DISPOSITION OF CASE (FOR EXAMPLE): WAS THE CASE DISMISSED? WAS IT APPEALED? IS IT STILL PENDING? (CASE STILL PENDING.)
- 7) APPROXIMATE DATE OF FILING LAWSUIT: 2021.
- 8) APPROXIMATE DATE OF DISPOSITION: 2021.
- 9) WAS CASE DISMISSED AS BEING FRIVOLOUS, MALICIOUS, OR FOR FAILURE TO STATE A CLAIM UPON WHICH RELIEF MAY BE GRANTED AND / OR DID THE COURT TELL YOU THAT YOU RECEIVED A "STRIKE?" NO.

II) PREVIOUS LAWSUITS

1) PARTIES TO PREVIOUS LAWSUITS?

PLAINTIFF (S): Lee

v.

DEFENDANT(S) BROOK HART, et al

2) COURT (IF FEDERAL NAME OF DISTRICT, IF STATE NAME OF COUNTY: SOUTHERN DISTRICT.

3) DOCKET NUMBER: 3:21-CV-00902-SMY

4) NAME OF JUDGE TO WHOM CASE WAS ASSIGNED: STACEY M. Yandle

5) TYPE OF CASE (FOR EXAMPLE) WAS IT A HABEAS CORPUS, OR CIVIL RIGHTS ACTION? CIVIL RIGHTS ACTION.

6) DISPOSITION OF CASE (FOR EXAMPLE)? WAS THE CASE DISMISSED? WAS IT APPEALED? IS IT STILL PENDING? THE CASE IS STILL PENDING.

7) APPROXIMATE DATE OF FILING LAWSUIT: 8-10-2021

8) APPROXIMATE DATE OF DISPOSITION: 2021

9) WAS THE CASE DISMISSED AS BEING FRIVOLOUS, MALICIOUS, OR FOR FAILURE TO STATE A CLAIM UPON WHICH RELIEF MAY BE GRANTED AND / OR DID THE COURT TELL YOU THAT YOU RECEIVED A "STRIKE?" NO.

2. What was the result?

G. If your answer is NO, explain why not.

H. Attach copies of your request for an administrative remedy and any response you received. If you cannot do so, explain why not:

GRIEVANCE # FOR CLAIMS ARE
6-21-213, THE COUNSELOR WHOM
HANDLES GRIEVANCES NAMED
L. LIVINGSTON, AND J. GARRETT
REFUSES TO PROVIDE ME WITH
ACTUAL COPY / ORIGINAL GRIEVANCE.

IV. STATEMENT OF CLAIM

- A. State here, as briefly as possible, when, where, how, and by whom you feel your constitutional rights were violated. Do not include legal arguments or citations. If you wish to present legal arguments or citations, file a separate memorandum of law. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. If your claims relate to prison disciplinary proceedings, attach copies of the disciplinary charges and any disciplinary hearing summary as exhibits. You should also attach any relevant, supporting documentation.

(A.) ON 6-21-2021, AT LAWRENCE PRISON, UNIT A CELL #9 NURSE TOTTEN CAME TO CELL LOWER 9 IN ASKED THE C/O TO REMOVE ME FROM CELL, SO THAT MY WHEIGHT CAN BE TAKEN. I WAS EXPOSED BY TOTTEN SPEAKING IN FRONT OF PRISONERS ABOUT MY MEDICAL ISSUE, I ASKED TOTTEN CAN I BE TAKEN TO MEDICAL ROOM SO THERE WILL BE PRIVACY TOTTEN STATED "NO MR LEE I NEED YOU TO URINATE IN SAMPLE CUP AND GO BACK INSIDE CELL". I WAS EXPOSED BY TOTTEN ASKING ME "WHY AM I WRITING SO MANY MEDICAL SLIPS ABOUT BLOOD LEAKING OUT MY PENIS IN FRONT OF MANY PRISONERS AS WELL AS GIVING ME A URINE CUP IN FRONT OF PRISONERS. REGULAR PROTOCOL WAS NOT FOLLOWED."

(B.) AND WEXFORD HEALTH SOURCES AND FDA OVERSEE'S ALL EMPLOYE'S BEHAVIOR/CONDUCT AND FAILED TO INVESTIGATE MY CLAIM, IS WHY THEY ARE DEFENDANTS. L. LIVINGSTON IS BEING SUED FOR FAILING TO INVESTIGATE GRIEVANCE. EACH DEFENDANT ARE BEING SUED IN THEIR OFFICIAL CAPACITIES, AND INDIVIDUAL CAPACITIES.

V. REQUEST FOR RELIEF

State exactly what you want this court to do for you. If you are a state or federal prisoner and seek relief which affects the fact or duration of your imprisonment (for example: illegal detention, restoration of good time, expungement of records, or parole), you must file your claim on a habeas corpus form, pursuant to 28 U.S.C. §§ 2241, 2254, or 2255. Copies of these forms are available from the clerk's office.

(A.) ORDER MONETARY DAMAGES BE AWARDED IN FAVOR OF PLAINTIFF. (B.) ORDER PUNITIVE DAMAGES BE AWARDED IN AN AMOUNT DETERMINED BY PLAINTIFF. (C.) ORDER DEFENDANTS BE ORDERED TO PAY ALL COSTS AND ATTORNEY FEES INCURRED WITH PURSUING THIS COMPLAINT. (D.) ANY RELIEF THE COURT DEEMS JUST AND PROPER. (F.) CLAIM BE TRIED AT JURY TRIAL FOR ALL TRIABLE CLAIM(S).

VI. JURY DEMAND (check one box below)

The plaintiff ☒ does ☐ does not request a trial by jury.

DECLARATION UNDER FEDERAL RULE OF CIVIL PROCEDURE 11

I certify to the best of my knowledge, information, and belief, that this complaint is in full compliance with Rule 11(a) and 11(b) of the Federal Rules of Civil Procedure. The undersigned also recognizes that failure to comply with Rule 11 may result in sanctions.

Signed
on:

9-1-2021
(date)

M. Lee
Signature of Plaintiff

19030 LAWRENCE ROAD
Street Address

MICHAEL LEE
Printed Name

SUMNER, FL 62466
City, State, Zip

V-17162
Prisoner Register Number

PRO SE
Signature of Attorney (if any)

SECRET

000000



11th CHAPEL, lee
LAURENCE, CC
19030 LAURENCE CC
SOMMER, IL 62466
FD #V-17162

WRITTEN
BY
DATE

PRIVILEGED

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF
750 MISSOURI AVENUE
EAST ST. LOUIS, IL 62211



U.S. POSTAGE
PITNEY BOWES
ZIP 62466
02 4M
0000369654 SEP 08 2021
\$ 001.76